

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-00430-BO

U.S. TOBACCO COOPERATIVE, INC.,)
)
)
)
v.)
)
CERTAIN UNDERWRITERS AT)
LLOYD'S SUBSCRIBING TO POLICY)
NUMBERS B1353DC1703690000 AND)
B1353DC1602041000)

**DECLARATION OF
STEPHEN HOLMES**

Stephen Holmes, on oath, declares as follows:

1. I am a Senior Cargo Claims adjuster at the MS Amlin Syndicate 2001 at Lloyd's of London. I have held this position for 4 years and have worked in the London insurance market for 45 years.
2. MS Amlin is the lead insurer on the policy for the 2017 year of account (policy number B1353DC1703690000). The overall lead is AEGIS (Lloyd's Syndicate 1225) and we share claims handling responsibility for our year.
3. AEGIS and MS Amlin instructed James Saville of Hill Rivkins of New York to represent insurers in these proceedings.
4. I expected that Hill Rivkins would represent insurers' interests professionally in the litigation. However, I and the claims handlers at AEGIS and Riverstone, have recently become concerned about the lack of reporting from Mr Saville.
5. I understand that after making enquiries with Kennedys Law LLP (London), AEGIS' representative, Richard Foulger, was put in contact with Michael Tricarico of Kennedys' New York office. Mr. Tricarico conducted searches of the court

docket for this proceeding and provided us with the following documents on June 18, 2021, and subsequently:

- (a) The Motion for Sanctions and Memorandum of Law in Support dated May 24, 2021.
- (b) The transcript from the hearing before Magistrate Judge, Robert T. Numbers, II that took place on May 3, 2021.
- (c) The order issued by Magistrate Numbers on April 9, 2021.

6. I had never seen any of these documents before. I was not aware that insurers had breached any orders made by the Court, nor was I aware that the plaintiff was seeking sanctions against insurers.

7. Upon reviewing this information, insurers formally dis-instructed Hill Rivkins on June 21, 2021. We instructed Kennedys to make contact with insurers' local counsel (with whom we have had no direct dealings), the insured's counsel and the Court.

8. I wish to apologize to the parties and the Court for the lack of engagement by Mr. Saville. I am extremely disappointed in Mr. Saville and the way he has conducted these proceedings to date. We intend to comply with all steps required by the Court's orders and are confident that our new counsel, Kennedys, will advise us accordingly in order to ensure that all required steps are taken.

9. I declare under penalty of perjury that the foregoing is true and correct.
Executed on June 23, 2021.



STEPHEN HOLMES